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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O. No. 2564 of 2006
Date of decision: 10.9.2007

Bharat Singh Saini **...Petitioner**

Versus

Bhagat Mangtu Ram and others **...Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Gurmail Singh, Advocate for
Mr. Jaivir Yadav, Advocate for the appellant.

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RAJESH BINDAL, J.

The challenge in the present appeal is to an order dated February 2, 2007 passed by the Motor Accident Claims Tribunal, Gurgaon whereby the claim petition filed by the appellant was dismissed on account of no evidence.

Learned counsel for the appellant has produced in the Court summons with report of completed service, however, no one has put in appearance on behalf of respondents.

Keeping in view the fact that it is an appeal against the order passed by the Motor Accident Claims Tribunal, Gurgaon dismissing the claim petition on account of no evidence and the fact that the other claim petitions arising out of the same accident are stated to be pending before the Tribunal for September 14, 2007, with a view to avoid any further delay, the appeal was taken for hearing and for final disposal.

The claim arises out of an accident in which the appellant is stated to have suffered multiple injuries. For treatment thereof, he had to remain in hospital for several days. It is stated in the appeal that appellant could not lead the evidence as he did not get proper intimation from his counsel. Though strictly speaking, the same cannot be held to be good

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ground as it is certainly a lapse on the part of the appellant as well. However, keeping in view the interest of justice where the appellant has claimed to have suffered injuries in an accident and the fact that the claim petitions arising out of the same accident are still pending for consideration before the Tribunal and fixed for September 14, 2007, I deem it appropriate to set aside the order passed by the Tribunal and remit the case back to the Tribunal for decision on merits in accordance with law. The same is subject to payment of Rs. 1000/- as costs to each of the three respondents.

The appeal is disposed of accordingly.

September 10, 2007 **(Rajesh Bindal)**
Pka **Judge**